

1 **REMARKS**

2 Amendments to the Claims:

3 Please do not enter the previously filed after final amendments.

4 Claims 1 and 14 have each been amended as indicated hereinabove to
5 change various words in the preamble in accordance with the Examiner's comments
6 as discussed in greater detail below.

7 Claim 27 has been amended to be in independent form and to include all the
8 limitations of the base claim (claim 25, now canceled), also in accordance with the
9 Examiner's comments as discussed in greater detail below.

10 Claims 25 and 26 have been canceled.

11 Brief History of Application:

12 A final action was mailed on March 23, 2005. In the final action, the Examiner
13 indicated that certain claims were allowable, provided amendments were made to
14 include changes to the preamble. The Applicant filed a response to the final action
15 on May 18, 2005, in which amendments to the claims were presented, and which
16 amendments the Applicant believed were in compliance with the Examiner's
17 comments given in the final action, and which therefore put the claims in
18 allowable form.

19 The Examiner, Ms. Quana Grainger, placed a telephone call to the Applicant's
20 representative, Mr. Tom Olson, on June 6, 2005, during which the Examiner
21 indicated that the amendments did not place the claims in allowable form.

22 Interview Summary:

23 On June 6, 2005, Ms. Grainger initiated a telephone interview with Mr. Olson,
24 in which the Examiner indicated that the amendments to the claims as presented in
25 the Applicant's response filed on May 18, 2005 did not place the claims in allowable
26 form because of the amendments to the preamble of several claims.

27 The Examiner indicated that in order to place the claims in allowable form, the
28 preamble of the claims must indicate an "image fixing apparatus" or the like, rather
29 than simply, "an apparatus."

1 Upon Mr. Olson's inquiry, Ms. Grainger indicated that another response to the
2 final action could be filed before the date of expiration of the three-month period for
3 response, which date of expiration is June 23, 2005.

4 Mr. Olson indicated to Ms. Grainger that he intended to file another
5 responsive amendment before June 23, 2005, in which amendment, each of the
6 claims would have a preamble that indicated an "image fixing apparatus" or the like
7 in accordance with Ms. Grainger's recommendations.

8 Previously Filed After Final Amendments:

9 Please do not file the previously filed after final amendments which were filed
10 with a response to the final action on May 18, 2005.

11 Rejection of Claims Under 35 U.S.C. § 112:

12 Claims 1, 6, 14, and 25-28 have been rejected under 35 U.S.C. § 112, second
13 paragraph, as being indefinite for failing to particularly point out and distinctly claim
14 the subject matter which the Applicant regards as the invention. Specifically, the
15 Examiner indicates that the claims recite in the preamble an imaging apparatus but
16 do not recite image forming means or components. The Examiner indicated in a
17 telephone interview, as noted in detail herein above, that the preamble should
18 indicate a fixing apparatus or the like.

19 In regard to claim 1, the preamble of that claim has been changed from "an
20 imaging apparatus for producing an image on a sheet of media" to "an image fixing
21 apparatus," as indicated hereinabove, and in accordance with the Examiner's
22 comments. The Applicant believes that this amendment to claim 1 overcomes the
23 rejection of that claim under 35 U.S.C. 112, second paragraph, because the
24 preamble now recites an "image fixing apparatus." Accordingly, the Applicant
25 respectfully requests that the rejection of claim 1 be withdrawn.

26 In regard to claim 6, that claim depends from claim 1. Therefore, the
27 Applicant believes that the amendments to claim 1, as discussed above, also
28 overcome the rejection of claim 6 under 35 U.S.C. 112, second paragraph.
29 Accordingly, the Applicant respectfully requests that the rejection of claim 6
30 be withdrawn.

1 In regard to claim 14, the preamble of that claim has been changed from "an
2 imaging apparatus" to "an image fixing apparatus," as indicated hereinabove, and in
3 accordance with the Examiner's comments. The Applicant believes that this
4 amendment to claim 14 overcomes the rejection of that claim under 35 U.S.C. 112,
5 second paragraph, because the preamble now recites an "image fixing apparatus."
6 Accordingly the Applicant respectfully requests that the rejection of claim 14
be withdrawn.

7 In regard to claims 25 and 26, those claims have been canceled, and the
8 rejections of those claims are therefore moot.

9 In regard to claim 27, that claim has been amended as indicated herein above
10 to be in independent form and to include all the limitations of claim 25 from which
11 claim 27 previously depended. Additionally, the preamble of claim 27 recites "an
12 image fixing apparatus" in accordance with the Examiner's comments. The
13 Applicant therefore believes that the amendments to claim 27 overcome the rejection
14 of that claim under 35 U.S.C. 112, second paragraph, because the preamble of claim
15 27 now recites an "image fixing apparatus." Accordingly, the Applicant respectfully
requests that the rejection of claim 27 under 35 U.S.C. 112, second paragraph
be withdrawn.

16 In regard to claim 28, that claim depends from claim 27. Therefore, the
17 Applicant believes that the amendments to claim 27, as discussed above, also
18 overcome the rejection of claim 28 under 35 U.S.C. 112, second paragraph.
19 Accordingly, the Applicant respectfully requests that the rejection of claim 28
be withdrawn.

20
21 Rejection of Claims Under 35 U.S.C. § 102:

22 Claims 25 and 26 have been rejected under 35 U.S.C. § 102(b) as being
anticipated by U.S. Patent 4,806,969 to Tomoyori et al.

23 Claims 25 and 26 have been canceled as indicated hereinabove.
24 Accordingly, the rejections of claims 25 and 26 are now moot.

25 Allowable Subject Matter:

The Examiner has indicated that claims 29-36 are allowed, and that claims 1,
6, 14, and 27-28 would be allowable if rewritten to overcome the rejections under 35

1 U.S.C. § 112, second paragraph, and to include all of the limitations of the base
2 claim and any intervening claims.

3 As discussed above, claims 1, 14, and 27 have been amended to change the
4 preamble and/or to be in independent form and to include all the limitations of the
5 base claim and any intervening claims. As also discussed above, the Applicant
6 believes that the amendments to claims 1, 14, and 27 overcome the rejections of
7 claims 1, 6, 14, 27, and 28 under 35 U.S.C. 112, second paragraph.

8 The Applicant believes that claims 1, 6, 14, 27 and 28 are now in allowable
9 form, and that the amendments to the claims as indicated hereinabove place the
10 application in condition for allowance.

11 SUMMARY

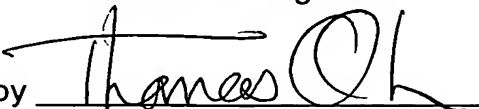
12 The Applicant believes this response constitutes a full and complete reply to
13 the final action mailed 03/23/2005, and that the amendments to the claims shown
14 hereinabove are in compliance with CFR 1.116, wherein those amendments have
15 been made to cancel claims and/or to comply with requirements of form expressly
16 set forth in a previous office action. Accordingly, the Applicant respectfully requests
17 that the amendments to the claims as shown hereinabove be entered.

18 The Applicant further believes, for at least the reasons set forth above, that
19 claims 1, 6, 14, and 27-36 are in allowable form, and that the application is in
20 condition for allowance. Accordingly the Applicant respectfully requests timely
21 allowance of claims 1, 6, 14, and 27-36.

22 The Examiner is respectfully requested to contact the below-signed attorney if
23 the Examiner believes this will facilitate prosecution toward allowance of the claims.

24 Respectfully submitted,

25 Laurent A. Regimbal

by 

Date: June 08, 2005

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Response to Final Action*